

LEASON ELLIS

May 20, 2020

VIA ECF

Hon. Paul G. Gardephe
United States District Judge
Thurgood Marshall United States C
40 Foley Square, Courtroom 705
New York, NY 10007-1312

MEMO ENDORSED:

The application is granted. The
July 9, 2020 conference is
adjourned to August 20, 2020 at
10:30 a.m.

SO ORDERED.



Dated: June 24, 2020

Re: *Tianhai Lace USA, Inc. v. G-III Leather Fashions, Inc.*
Case No. 20-cv-00765-PGG

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Dear Judge Gardephe:

We are counsel for Plaintiff Tianhai Lace USA, Inc. ("Tianhai") in the above-referenced case against G-III Leather Fashions, Inc. ("G-III"). We write jointly with defense counsel, Jonathan Z. King, Esq., of Cowan, Liebowitz & Latman, P.C., to request rescheduling of the Initial Pretrial Conference currently set for July 9, 2020 at 10 a.m. to a new date convenient for the Court in August or September. This is the second request for a continuance and the parties seek such relief for several reasons, both practical and procedural.

G-III waived service of process and its responsive pleading concerning the 18 garments identified in the Complaint is currently due on June 26, 2020. However, due to COVID-19 restrictions and resulting complications, defense counsel has not yet been able to review either: (a) the allegedly infringing garments, nor (b) Plaintiff's allegedly infringed lace designs. Preliminary investigations suggest, however, that Defendant G-III neither manufactured nor is otherwise responsible for at least three (3) garments. Counsel for the parties are cooperating on the identification of the proper parties and, as a result, at least one more party will need to be added via an amended complaint. Rather than require the G-III to file multiple answers and potentially attend multiple case management conferences, however, the parties believe that judicial economy will be better served by further extending G-III's deadline to answer so that Plaintiff can conduct the diligence necessary to ascertain the "Doe" Defendant ultimately responsible for the three garments Defendant G-III has disclaimed, file an amended complaint, and serve the new defendant.

Counsel for Tianhai and G-III believe that conducting the initial pretrial conference before all parties are properly added to the case would be counterproductive. Thus, additional time is respectfully requested. If granted, the requested continuance will not affect any other scheduled dates as none are currently calendared *but for* the upcoming conference and the deadlines relating thereto.

WHEREFORE, the parties jointly request (1) adjournment of the upcoming Initial Pretrial Conference to a new date convenient for the Court in September, so that Plaintiff can conduct a prefiling investigation and amend its Complaint to add a new party per Rule 15 by July 24, 2020; and (2) adjournment of Defendant G-III Leather Fashions, Inc.'s time to answer or respond to the existing complaint. Each defendant will thereafter timely respond to the amended complaint pursuant to the Federal Rules.

Respectfully submitted,



Cameron S. Reuber

Cc: All counsel of record (via email and ECF)